

**House File 392 - Introduced**

HOUSE FILE 392  
BY COMMITTEE ON HUMAN  
RESOURCES

(SUCCESSOR TO HSB 45)

**A BILL FOR**

1 An Act relating to programs and services under the purview of  
2 the department of public health.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

DIVISION I

TRAUMA SYSTEM QUALITY IMPROVEMENT

Section 1. Section 147A.25, subsection 1, paragraph h, Code 2013, is amended to read as follows:

~~h. Iowa foundation of medical care director~~ A representative of the state's Medicare quality improvement organization.

DIVISION II

REIMBURSEMENT FOR CERTAIN AUTOPSIES

Sec. 2. Section 331.802, subsection 2, paragraph c, Code 2013, is amended to read as follows:

c. The fee and expenses of the county medical examiner who performs an autopsy or conducts an investigation of a person who dies after being brought into this state for emergency medical treatment by or at the direction of an out-of-state law enforcement officer or public authority shall be paid by the state. A claim for payment shall be filed with ~~the Iowa department of public health.~~ ~~If moneys are not appropriated to the Iowa department of public health for the payment of autopsies under this paragraph, claims for payment shall be forwarded to the state appeal board and, if authorized by the board, shall be paid out of moneys in the general fund of the state not otherwise appropriated.~~

Sec. 3. Section 331.802, subsection 4, Code 2013, is amended to read as follows:

4. The county medical examiner shall conduct the investigation in the manner required by the state medical examiner and shall determine whether the public interest requires an autopsy or other special investigation. However, if the death occurred in the manner specified in subsection 3, paragraph "j", the county medical examiner shall order an autopsy, claims for the expense payment of which shall be reimbursed by the Iowa department of public health filed with the state appeal board and, if authorized by the board, shall be paid out of moneys in the general fund of the state not otherwise appropriated. In determining the need for an

1 autopsy, the county medical examiner may consider the request  
2 for an autopsy from a public official or private person, but  
3 the state medical examiner or the county attorney of the county  
4 where the death occurred may require an autopsy.

5 DIVISION III

6 HIV HOME TEST KITS

7 Sec. 4. REPEAL. Section 126.25, Code 2013, is repealed.

8 DIVISION IV

9 TOBACCO CESSATION SERVICES — MINORS

10 Sec. 5. NEW SECTION. 142A.11 **Application for services —**  
11 **minors.**

12 A minor shall have the legal capacity to act and give  
13 consent to the provision of tobacco cessation services by  
14 a hospital, clinic, health care provider, or other tobacco  
15 cessation services provider. Consent shall not be subject to  
16 later disaffirmance by reason of such minority. The consent of  
17 another person, including but not limited to the consent of a  
18 spouse, parent, custodian, or guardian, shall not be necessary.

19 EXPLANATION

20 This bill includes provisions that relate to programs and  
21 services under the purview of the department of public health  
22 (DPH). The bill is organized in divisions.

23 Division I relates to the membership of the system  
24 evaluation and quality improvement committee for the trauma  
25 system in the state. The bill changes the membership by  
26 replacing the specific name of the one membership entity  
27 with a general reference to the Medicare quality improvement  
28 organization in the state.

29 Division II relates to county reimbursement for  
30 investigations and autopsies that are for persons who die after  
31 being brought into the state for emergency medical treatment  
32 by or at the direction of an out-of-state law enforcement  
33 officer or public authority; or for autopsies relating to the  
34 death of a child under the age of two years if death results  
35 from an unknown cause or if the circumstances surrounding the

1 death indicate that sudden infant death syndrome may be the  
2 cause of death. Current law directs that claims for these  
3 investigations and autopsies are to be filed by counties  
4 initially with DPH, and, if moneys are not appropriated to  
5 DPH for this purpose, the claims are to then be forwarded to  
6 the state appeal board. Under the bill, claims would not be  
7 initially filed with DPH, but would instead be filed directly  
8 with the state appeal board for authorization of payment  
9 from the general fund of the state from funds not otherwise  
10 appropriated.

11 Division III relates to human immunodeficiency virus  
12 (HIV) home test kits. Current law prohibits a person from  
13 advertising for sale, offering for sale, or selling an HIV  
14 home testing kit for antibody or antigen testing, and provides  
15 civil and criminal penalties as well as injunctive relief for  
16 violation of the prohibition. The United States food and drug  
17 administration approved the use of such kits in July 2012, and  
18 the bill repeals the Code provision prohibiting the HIV home  
19 test kits in the state.

20 Division IV of the bill provides that a minor shall have  
21 the legal capacity to act and give consent to the provision  
22 of tobacco cessation services by a hospital, clinic, health  
23 care provider, or other tobacco cessation services provider.  
24 Consent is not subject to later disaffirmance by reason of such  
25 minority, and the consent of another person is not necessary.